

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)
(PCT Rule 44bis.1(c))

Date of mailing (day/month/year)
17 August 2006 (17.08.2006)

To:

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Applicant's or agent's file reference
P109225WO

IMPORTANT NOTICE

International application No.
PCT/GB2005/000342

International filing date (day/month/year)
02 February 2005 (02.02.2005)

Priority date (day/month/year)
02 February 2004 (02.02.2004)

Applicant

EATON CORPORATION et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P109225WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/GB2005/000342	International filing date (day/month/year) 02 February 2005 (02.02.2005)	Priority date (day/month/year) 02 February 2004 (02.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant EATON CORPORATION			

<ol style="list-style-type: none"> This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a). This REPORT consists of a total of 7 sheets, including this cover sheet. <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																									
<ol style="list-style-type: none"> This report contains indications relating to the following items: <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.3). 		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																							

<p>Date of issuance of this report 07 August 2006 (07.08.2006)</p>	
<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Authorized officer</p> <p>Dorothée Mühlhausen</p> <p>e-mail: pt01@wipo.int</p>

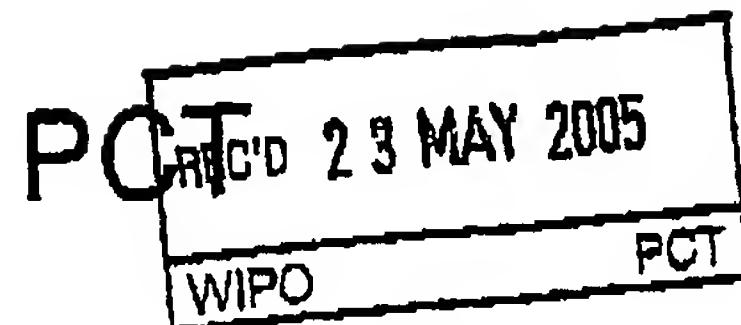
PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:



see form PCT/ISA/220



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

<p>Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)</p>		
<p>Applicant's or agent's file reference see form PCT/ISA/220</p>		<p>FOR FURTHER ACTION See paragraph 2 below</p>
<p>International application No. PCT/GB2005/000342</p>	<p>International filing date (day/month/year) 02.02.2005</p>	<p>Priority date (day/month/year) 02.02.2004</p>
<p>International Patent Classification (IPC) or both national classification and IPC F16L37/08, F16L37/00</p>		
<p>Applicant EATON CORPORATION</p>		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <p> European Patent Office - P.O. Box 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel: +31 70 340 - 2040 Tx: 31 651 espn Fax: +31 70 340 - 3016</p>	<p>Authorized Officer</p> <p>Budtz-Olsen, A Telephone No. +31 70 340-3555</p> <p></p>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000342

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000342

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	11, 12, 14, 15
	No: Claims	1-10, 13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 Reference is made to the following document:

D1 : US 4 244 608 A (STUEMKY ET AL)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (see figures) a tube retainer (42) comprising a tube (64) having a retention groove formed in an external surface, adjacent an open end, of said tube (64), and a holding clamp (10) adapted to engage said retention groove.

3 INDEPENDENT CLAIM 8

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 8 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (see figures) a method of manufacturing a tube retainer (42), comprising steps of providing a tube (64), and forming a retention groove in the external surface of said tube (64), adjacent the open end of said tube (64), and providing a flat plate and forming a slot in said flat plate to form a clamping plate (10).

4 INDEPENDENT CLAIM 13

- 4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 13 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (see figures) a method of retaining a tube (64) to engage a device (44) comprising: forming a retention groove adjacent to an end of the tube (64), and forming a slot in a holding clamp (10) to engage said annular retention groove, and attaching said holding clamp (10) with the tube (64) to the device (44). _____

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/000342

5 DEPENDENT CLAIMS 2-7, 9, 10, 14 and 15

Dependent claims 2-7, 9, 10, 14 and 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

6 DEPENDENT CLAIMS 11 and 12

Dependent claims 11 and 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).

Re Item VII.

- 1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
- 2 The independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 3 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 4 The applicants is requested to reconsider, taking account of the remarks under item VIII, whether claim 15 is correctly written as being dependent on claims 12 and 13. It seems that a more logic dependency would be 13 and 14

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/000342

Re Item VIII.

- 1 The application does not meet the requirements of Article 6 PCT, because claims 7 and 9-12 are not clear.
 - 1.1 To make it clear that the device of claim 7 is part of the tube retainer it should be added that "said holding clamp is attached in use to a device,".
 - 1.2 In claim 9 "a method as claimed in claim 7" is claimed. However claim 7 does not claim a method but claims "a tube retainer", therefore it is not clear what method is referred to in claim 9.
 - 1.3 In claim 10, which is dependent on claim 8, it is not clear what is meant by "whereby the second sealing groove" as there in claim 8 is no mentioning of a second sealing groove.
 - 1.4 In claims 11 and 12 "a method as claimed in claims 7 to 9" is claimed. However claim 7 does not claim a method but claims "a tube retainer", therefore it is not clear which method is referred to in claims 11 and 12.